

# EXHIBIT

“A”

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 02/25/2021

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

Index No.:

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RAMON GONZALEZ,

**SUMMONS**

Plaintiff,

Plaintiff designates  
Kings County as the  
place of trial.

-against-

FED EX CORPORATION, f/k/a FEDERAL EXPRESS  
d/b/a FEDEX and ROADWAY SERVICES INC  
a/k/a ROADWAY PACKAGE SYSTEMS INC.

The basis of venue is:  
Plaintiff's residence.

Defendants.

Plaintiff resides at  
470 Crescent Street  
Brooklyn, NY 11208  
County of Kings

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**To the above named Defendants:**

**YOU ARE HEREBY SUMMONED** to answer the Complaint in this action, and to serve a copy of your Answer, or if the Complaint is not served with this Summons, to serve a Notice of Appearance on Plaintiff's attorneys within twenty days after the services of this Summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: New York, New York  
February 24, 2021

  
KHAMINSON & ASSOCIATES, P.C.

Timothy Mandronico, Esq.  
*Attorneys for Plaintiff*  
45 Broadway, Suite 720  
New York, NY 10006  
T: (212) 785-5000  
F: (347) 983-6992

TO: Fed Ex Corporation  
942 South Shady Grove  
Memphis, TN 38120

Roadway Package Systems Inc.  
1077 Gorge Boulevard  
Akron, OH 44309

Roadway Services, Inc.  
1077 Gorge Boulevard  
Akron, OH 44309

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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RAMON GONZALEZ,

Plaintiff,

**VERIFIED COMPLAINT**

-against-

Index No.:

FED EX CORPORATION f/k/a FEDERAL EXPRESS  
d/b/a FEDEX and ROADWAY SERVICES INC  
a/k/a ROADWAY PACKAGE SYSTEMS INC,

Defendants.

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Plaintiff **RAMON GONZALEZ** by his attorneys, KHAVINSON & ASSOCIATES,  
P.C., as and for a cause of action alleges upon information and belief as follows:

1. At all times mentioned herein, Plaintiff **RAMON GONZALEZ** was and is still a resident of the County of Kings, State of New York.
2. At all times mentioned herein, Plaintiff **RAMON GONZALEZ** was and is over the age of 18 years old.
3. The cause of action alleged herein arose in the County of Kings, City and State of New York.
4. At all times mentioned herein, there existed a premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.
5. That on November 25, 2020, at or about 4:30 PM, Plaintiff **RAMON GONZALEZ** was lawfully present and tripped and fell on the sidewalk located at 281 Maspeth Avenue, County of Kings, City and State of New York.
6. On November 25, 2020, and at all times mentioned herein, and for a period of time prior, Defendant **FED EX CORPORATION** was and is a domestic partnership registered with the State of New York, duly organized and existing under and by virtue of the laws of the State of

New York, being so authorized, licensed and/or empowered to conduct, transact, do, contract, solicit and otherwise engage in business in the State of New York.

7. That on November 25, 2020, and for a period of time prior thereto, Defendant **FED EX CORPORATION** was the lessee of the aforesaid premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.
8. That on November 25, 2020, and for a period of time prior thereto, Defendant **FED EX CORPORATION** operated the aforesaid premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.
9. That on November 25, 2020, and for a period of time prior thereto, Defendant **FED EX CORPORATION** managed the aforesaid premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.
10. That on November 25, 2020, and for a period of time prior thereto, Defendant **FED EX CORPORATION** maintained the aforesaid premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.
11. That on November 25, 2020, and for a period of time prior thereto, Defendant **FED EX CORPORATION** controlled the aforesaid premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.
12. That on November 25, 2020, and for a period of time prior thereto, Defendant **FED EX CORPORATION** supervised the aforesaid premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.
13. On November 25, 2020, and at all times mentioned herein, Defendant **FED EX CORPORATION** was acting as an agent of the premises.

14. On November 25, 2020, and at all times mentioned herein, and for a period of time prior, Defendant **ROADWAY SERVICES INC a/k/a ROADWAY PACKAGE SYSTEMS INC** was and is a domestic partnership registered with the State of New York, duly organized and existing under and by virtue of the laws of the State of New York, being so authorized, licensed and/or empowered to conduct, transact, do, contract, solicit and otherwise engage in business in the State of New York.
15. That on November 25, 2020, and for a period of time prior thereto, Defendant **ROADWAY SERVICES INC a/k/a ROADWAY PACKAGE SYSTEMS INC** was the lessee of the aforesaid premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.
16. That on November 25, 2020, and for a period of time prior thereto, Defendant **ROADWAY SERVICES INC a/k/a ROADWAY PACKAGE SYSTEMS INC** operated the aforesaid premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.
17. That on November 25, 2020, and for a period of time prior thereto, Defendant **ROADWAY SERVICES INC a/k/a ROADWAY PACKAGE SYSTEMS INC** managed the aforesaid premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.
18. That on November 25, 2020, and for a period of time prior thereto, Defendant **F ROADWAY SERVICES INC a/k/a ROADWAY PACKAGE SYSTEMS INC** maintained the aforesaid premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.
19. That on November 25, 2020, and for a period of time prior thereto, Defendant **ROADWAY SERVICES INC a/k/a ROADWAY PACKAGE SYSTEMS INC** controlled the aforesaid premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.

20. That on November 25, 2020, and for a period of time prior thereto, Defendant **ROADWAY SERVICES INC a/k/a ROADWAY PACKAGE SYSTEMS INC** supervised the aforesaid premises located at 281 Maspeth Avenue, County of Kings, City and State of New York.
21. On November 25, 2020, and at all times mentioned herein, Defendant **ROADWAY SERVICES INC a/k/a ROADWAY PACKAGE SYSTEMS INC** was acting as an agent of the premises.
22. On November 25, 2020, and at all times mentioned herein, the aforesaid Defendants were acting as agents and as such are vicariously liable for the acts of the others.

**AS AND FOR A FIRST CAUSE OF ACTION FOR  
PLAINTIFF RAMON GONZALEZ**

23. Plaintiff **RAMON GONZALEZ** repeats and re-alleges all the allegations contained in paragraphs 1- 22 above as if set forth fully.
24. That the aforesaid incident described above was solely caused by Defendants' negligence.
25. That the aforesaid incident described above was solely caused by Defendants' recklessness.
26. That Plaintiff **RAMON GONZALEZ** shares no comparative fault and displayed no want of care for the subject collision.
27. That as a direct result of Defendants' negligence and/or recklessness, Plaintiff **RAMON GONZALEZ** was rendered sick, lame, unable to work, suffered mental anguish, emotional distress, pain and suffering, and loss of enjoyment in his life.
28. That Plaintiff **RAMON GONZALEZ** will require medical attention for the rest of his life as a result of his aforesaid serious and permanent injuries.
29. That as a direct result of Defendants' negligence and/or recklessness, Plaintiff **RAMON GONZALEZ** sustained economic damages in excess of basic economic loss under New York Insurance Law § 5104.
30. That by reason of the foregoing, Plaintiff **RAMON GONZALEZ** has been damaged in an

amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

31. That this action falls under one or more of the exceptions of Article 1602 of New York's CPLR.

**WHEREFORE**, Plaintiff **RAMON GONZALEZ** demands judgment against the above-named Defendants in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction, together with costs and disbursements of this action, and such other and further relief that this Court deems just and proper.

Dated: New York, New York  
February 24, 2021

  
Yours, etc.  
KHAVINSON & ASSOCIATES, P.C.

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Timothy Mandronico, Esq.  
*Attorneys for Plaintiff*  
45 Broadway, Suite 720  
New York, New York 10006  
T: (212) 785-5000

**ATTORNEY VERIFICATION**

State of New York     }  
                                       } ss:  
 County of New York   }

I, Timothy Mandronico, Esq., the undersigned, an attorney admitted to practice in the courts of the State of New York, and associated with the law firm of **KHAVINSON & ASSOCIATES, P.C.**, state that **KHAVINSON & ASSOCIATES, P.C.** are the attorneys of record for Plaintiff in the within action. I have read the foregoing **SUMMONS AND VERIFIED COMPLAINT** in the within action and know the contents thereof, the same are true to my knowledge except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. The reason this verification is made by the undersigned attorney and not by the Plaintiff is that Plaintiff reside(s) in a county other than which this law office maintains its offices.

The grounds of my belief as to those matters therein not stated upon knowledge is based upon facts, records, and other pertinent information contained in our legal files maintained in the ordinary course of business.

Dated: New York, New York  
 February 24, 2021

  
 TIMOTHY MANDRONICO, ESQ.



Index No.:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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RAMON GONZALEZ,

Plaintiff,

-against-

FED EX CORPORATION f/k/a FEDERAL EXPRESS  
d/b/a FEDEX and ROADWAY SERVICES INC  
a/k/a ROADWAY PACKAGE SYSTEMS INC,

Defendants.

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SUMMONS AND COMPLAINT

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KHAVINSON & ASSOCIATES, P.C.

*Attorneys for Plaintiff*

45 Broadway, Suite 720

New York, NY 10006

T: (212) 785-5000

F: (347) 983-6993

<http://khavinsonlawfirm.com/>

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**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

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RAMON GONZALEZ,

Plaintiff/Petitioner,

- against -

Index No. 504624/2021

DED EX CORPORATION f/k/a FEDERAL EXPRESS d/b/a FEDEX and ROADWAY SERVICES, INC, ET  
ANO.

Defendant/Respondent.

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**NOTICE OF ELECTRONIC FILING  
(Mandatory Case)  
(Uniform Rule § 202.5-bb)**

**You have received this Notice because:**

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

**You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.**

**If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.**

The **benefits of participating in e-filing** include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

**To register for e-filing or for more information about how e-filing works:**

- visit: [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

**Information for Attorneys  
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site [www.nycourts.gov/efile](http://www.nycourts.gov/efile) ; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [nyscef@nycourts.gov](mailto:nyscef@nycourts.gov)).

Dated: February 25, 2021

TIMOTHY MANDRONICO, ESQ.

Name

KHAVINSON & ASSOCIATES PC

Firm Name

45 BROADWAY, STE. 720

NEW YORK, NY 10006

Address

212 785-5000

Phone

tm@khavinson.com

E-Mail

To: FED EX CORPORATION

942 South Shady Grove

Memphis, TN 38120

2/24/20

DATE RECIEVED 3.2.21  
TIME RECIEVED 3:43 p  
PROCESS SERVER matt Lynch  
PROCESS SERVER  
CONTACT INFO Moonlighters-Mem  
RECEIVED BY evans

EVANS anderson  
paralegal